

HOUSE JUDICIARY COMMITTEE AMENDMENT NO. 1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 774

House Bill No. 20

by deleting subsection (a) of the amendatory language of SECTION 7 and by substituting instead the following:

(a)(1) If a law enforcement officer has probable cause to believe that a criminal offense involving abuse against a family or household member, as defined in Tennessee Code Annotated, Section 36-3-601, has occurred, the officer shall seize all weapons that are alleged to have been used by the abuser or threatened to be used by the abuser in the commission of a crime.

(2) Incident to an arrest for a crime involving abuse against a family or household member, as defined in Tennessee Code Annotated, Section 36-3-601, a law enforcement officer may seize a weapon that is in plain view of the officer or discovered pursuant to a consensual search, if necessary for the protection of the officer or other persons. Provided, however, a law enforcement officer is not required to remove a weapon such officer believes is needed by the victim for self-defense.

FURTHER AMEND by deleting the first sentence of subsection (b) of the amendatory language of SECTION 7 and substituting instead the following:

The provisions of Tennessee Code Annotated, Section 39-17-1317, relative to the disposition of confiscated weapons shall govern all weapons seized pursuant to this section that were used or threatened to be used by the abuser to commit the crime. Provided, however, if multiple weapons are seized, the court shall have the authority to confiscate only the weapon or weapons actually used or threatened to be used by the

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abuser to commit the crime. All other weapons seized shall be returned upon disposition
of the case.

FURTHER AMEND by deleting SECTION 8 in its entirety and by renumbering subsequent
sections accordingly.